

REMARKS

Claims 1, 3, 5-7, and 9-14 are present for consideration by the Examiner. For the reasons discussed below, favorable consideration of those claims is believed to be in order. Specifically, the above-enumerated claims are considered clearly patentable over the Ellsworth et al. reference applied in the outstanding Office Action and in the combination of Ellsworth et al. and Smithe et al. applied in that communication.

Currently amended claim 1 is directed to apparatus for forming a crease in a flexible component which spans and joins together two juxtaposed, file folder components. The claim further requires that there be first and second motionless, spaced apart creasing components engaging a first side of the flexible component and a third creasing component engaging the opposite side of the flexible component and cooperating with the first and second creasing components to form a crease in the flexible component.

Pleating apparatus of the character specified in claim 1 with the claimed arrangement of creasing components just described is not taught, suggested, or otherwise made obvious by Ellsworth et al. or the applied combination of Smith et al. and Ellsworth et al.

Ellsworth et al. has what are arguably creasing components (23 and 24) on the outer side of workpiece L1/L2 and a third creasing component 73 on the inner side of the workpiece. Ellsworth et al. component 73 is stationary, but components 23 and 24 are neither motionless nor spaced apart as is required in the second clause of claim 1. Consequently, it is respectfully submitted that claim 1 is clearly patentable over Ellsworth et al.

Smithe et al. adds nothing. All that reference discloses is a machine for forming a gusset in a folded web of sheet material. The reference has nothing to do with the formation of a crease in a flexible component spanning file folder components, let alone such apparatus with the particular creasing arrangement called for in claim 1.

Claims 3 and 5-7 depend from currently amended claim 1 and are considered patentable for the same reasons as the parent claim.

Also, claim 3 is considered additionally patentable over Ellsworth et al. and the Ellsworth et al./Smithe et al. combination of references because nothing in Ellsworth et al. or in the Ellsworth et al. and Smithe et al. combination in any way suggests pleat forming apparatus as defined in claim 1 with non-rotatable, spaced apart components which are so configured and arranged that the distance between first and second of those components decreases in the direction of movement of a folder through the claimed pleating apparatus.

Claims 5-7 are considered additionally patentable over Ellsworth et al. and the Ellsworth et al./Smithe et al. combination of references because nothing in those references or the combination thereof in any way suggests pleat forming apparatus with the specific capabilities called for in the dependent claims.

Newly presented claim 10 replaces original claim 4. The new claim is considered clearly patentable over the reference and combination of references identified above because nothing therein in any way makes obvious pleating apparatus with first, second, and third crease forming components, all having discrete, component-engagable edges as is required in the last clause of claim 10. Smithe et al. does not have any pleat forming components at all as is discussed above. Assuming, *arguendo*,

that components 23 and 24 of Ellsworth et al. are crease forming components, they do not have discrete, component- engagable edges; and the reference does not otherwise make obvious apparatus with creasing components of that specific character.

Furthermore, Ellsworth et al. does not disclose pleating apparatus with creasing components so configured and related that the edge of a flexible component being creased is pushed into a space between the first and second of the creasing components such that the crease in the flexible component produced by the first, second and third creasing components can be set at the locations of the component-engagable edges of the creasing components as is also required in the last clause of claim 10.

New claim 11 replaces original claim 4. The new claim is considered clearly patentable over the Ellsworth et al. reference applied against the original claim and the applied combination of Ellsworth et al. and Smithe et al. because the language in the fourth clause of new claim 11 limits the apparatus defined in that claim to a construction with creasing components so structured and related that, as a crease is made in a flexible, folder component-joining component by the creasing components, first and second ones of the creasing components also displace the flexible component into a locus between first and second file folder components spanned and joined together by the flexible component. This is important because a file folder with a protruding flexible component would be unacceptable, if not essentially unusable; and the claimed mechanisms for accomplishing this objective are nowhere to be found in Ellsworth et al. or Ellsworth et al./Smithe et al. combination of references.

Furthermore, new claim 11 is limited in the penultimate clause of that claim to pleating apparatus with an independent mechanism downstream from the

creasing components for setting the crease made in the flexible component by the claimed creasing components. The references do not make pleating apparatus with this claimed arrangement obvious.. Even with the reference viewed most unfavorably to applicants, the arrangement under discussion is not found in Ellsworth et al. in which there is no independent crease setting mechanism. Both this function and whatever creasing function they may have is performed by rolls 23 and 24.

As the Smithe et al. apparatus has no creasing components, it clearly does not make obvious apparatus with a crease setting mechanism located downstream from creasing components.

Newly presented claim 12 replaces original claim 8, which was rejected on Ellsworth et al. and a Smithe et al./Ellsworth et al. combination of references.

Claim 12 is limited to pleating apparatus of the character discussed above with: (1) a conveyor for moving a folder from a location upstream of creasing components to and through those components with the folder initially in an orientation in which first and second components of that folder are in a side-by-side relationship, and (2) mechanism comprising a plow which is separate from all the creasing components and is located upstream from those components for rotating one of the folder components into a parallel, spaced apart relationship with the other of the folder components.

The Ellsworth apparatus does not move folder components or any other workpiece components in a side-by-side relationship to creasing components. Instead, as is clearly shown in FIG. 1 of Ellsworth et al., the workpiece has a component L1 which is superimposed on component L2 as the workpiece is moved toward the gusset forming mechanism of Ellsworth et al. Furthermore, as the Examiner says, the

Ellsworth et al. mechanism does not have a plow for rotating a workpiece component, a feature which is unnecessary because of the superimposed relationship of the workpiece segments L1 and L2.

Smithe et al. is no more relevant to the patentability of new claim 12 than Ellsworth et al. Even if the component 60 of the Smith I apparatus is a plow, that component is not separate from and located entirely upstream of whatever crease forming components the Smith et al. apparatus may have.

Furthermore, new claim 12 is limited to pleating apparatus in which one of two workpiece components spanned by a flexible component is rotated into a parallel, spaced apart relationship with another of the workpiece components by mechanism recited in the claims. There is nothing in the Smithe et al. apparatus which performs this function. Component 60, pointed to by the Examiner, simply folds one segment 72 of the workpiece being processed tightly against a second segment 70 of the workpiece (see FIGS. 6-12). Thus Smithe et al., like Ellsworth et al., fails to make obvious pleating apparatus with workpiece component-rotating structure as specified in the claim and as just discussed.

Newly presented claims 13 and 14 are considered clearly patentable for the same reasons as parent claim 1 and because nothing in Ellsworth et al. or Smithe et al. or any combination of those two references in any way makes obvious pleating apparatus with the claimed creasing components for making creases between both: (1) the front and back panels of a folder and an internal divider (claim 13), or (2) the front and back panels of a folder and each of two internal dividers and between the two internal dividers.

Claim 15, also newly presented, is believed to be obviously patentable over Ellsworth et al. and the Ellsworth et al./Smithe et al. combination of references, both for the same reasons that parent claim 1 is and because nothing in that combination of references or in Ellsworth et al. in any sense makes obvious pleating apparatus with components for concomitantly forming complementary creases in multiple, overlying segments of a flexible folder component

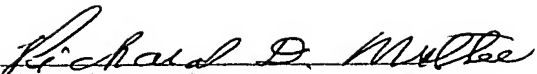
The references of the interest have been carefully reviewed by applicant's undersigned attorney. Those references are not considered pertinent to the patentability of the claims now before the Examiner and have accordingly not been commented on in this document. However, if the Examiner would find comments on the references of interest helpful, it is respectfully requested that he contact applicant's attorney, who is prepared to furnish such comments.

For the reasons discussed in detail above, it is believed that this application is now limited to claims which are clearly patentable over the references of record. Favorable reconsideration of the application is therefore believed to be in order and is accordingly solicited.

Signed at Shelton, County of Mason, State of Washington, this 2nd day of September, 2005.

Respectfully Submitted.

Alexander Patton Janssen, Jr. et al.

By: 
Richard D. Multer
Registration No. 20,661
P.O. Box 2384
Shelton, WA 98584
Phone: 360-432-8306
Fax: 360-432-9511